

10/828,589 - Adjustable Hinge - Timothy E. McCue & Joseph R. McCue

rejections under 35 U.S.C. 102(b) are believed to be moot and are not addressed further. The Examiner's rejections concern a single hinge and not the cooperation of two hinges.

Original claim 11 claimed a pair of hinges with a first hinge that is "manually adjustable to adjust the position of the door or gate with respect to the fixed member in both a vertical and horizontal direction" and a second hinge that "as the first hinge is adjusted to move the door or gate in the vertical direction the second hinge follows the first hinge and does not have to be manually adjusted to change the vertical position of the second hinge on the door or gate." The amendment to claim 11 gives details of the second hinge. The Mallory patent does not suggest or teach a second hinge that cooperates with a first hinge so that as the first hinge is adjusted for vertical adjustment the second hinge automatically follows and does not have to be adjusted vertically.

Accordingly, remaining amended claims 11, 12, 14 and 15 are now believed to be allowable.

The Examiner then rejects claims 3, 4, 7, 8, 10 and 15 under 35 U.S.C. 103(a) as being unpatentable over Mallory in view of USPN 527,685 to Haegel. Continuing, the Examiner states that:

"Mallory discloses that the connection member extension is a threaded bolt, but Mallory does not disclose mechanical fasteners in the form of nuts threaded onto the extension at either side of the second connecting member thereof to prevent unwanted movement of the second connecting member as claimed. Haegel teaches a gate hinge comprising a first plate (5) that is attached to a post (3), a second plate (13) that is attached to a gate (1), a hinge pin (5a) and a first connecting member (8) associated with the first plate and having a hole through which the hinge pin passes. The first connecting member has an extension (7). A second connecting member (11) associated with the second plate and having a hole through which the first connecting member extension passes. First and second nuts (10) are disposed onto the extension at either side of the second connecting member and can be adjusted relative to the connecting member. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify threaded extension of Mallory to incorporate the gate hinge as taught

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by Haege to afford a simple and quick adjustment hinge assembly which maintains proper working interval between a gate/door and a fixed structure."

As mentioned above the applicant has deleted claims 1 - 10 & 13, and has amended claim 11 to merge claim 13 therein. Because of the deletion of claims and amendments to other claims the Examiner's rejections under 35 U.S.C. 103(a) are now believed to be moot and are not addressed further. The Examiner's rejections concern a single hinge and not the cooperation of two hinges.

The Mallory patent teaches a hinge that can be adjusted in both the vertical and horizontal directions and the Haege patent teaches a hinge that can be adjusted in only the horizontal direction. There is nothing in either the Mallory or Haege patents that suggests or teaches that two of the same kind or hinge, or one of each kind of hinge can be mounted on the same gate or door and cooperate so that as a first hinge is adjusted in the vertical direction the other or second hinge need not be adjusted but automatically follows the adjustment of the first hinge.

Accordingly, remaining amended claims 11, 12, 14 and 15 are now believed to be allowable in this regard.

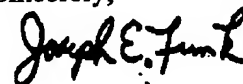
Finally, the Examiner cites prior art that is made of record and not relied upon but is considered pertinent to applicant's disclosure. In particular, the Examiner cites the Rochester (1,216,169), Kirschner (2,583,950, and Nakamoto et al (6,516,494) patents. The applicant has reviewed these patents and other patents listed on form PTO-892 - Notice of References Cited and does not believe that any of them singly or any combination of them suggest or teach the applicant's invention claimed in amended claims 11, 12, 14 and 15. The invention being two of the same kind or hinge, or one of different types of hinges can be mounted on the same gate or door and cooperate so that as a first hinge is adjusted in the

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vertical direction the other or second hinge need not be adjusted but automatically follows the adjustment of the first hinge.

In view of the cancellation of claims, amendments to the claims and the above arguments this patent application is now believed to be in condition for allowance and passage to issuance is respectfully requested. If there remain any matters that may be resolved by telephone the Examiner is invited and authorized to contact the undersigned attorney via telephone at (603) 432-8788, via fax at (603) 421-2779, or via e-mail at [jfunk777@adelphia.net](mailto:jfunk777@adelphia.net).

Sincerely,



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